

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 202004002	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 9:45 PM	Location of Incident: West 9th Street and 5th Avenue	Precinct: 13	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 5:03 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 5:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. LT Salvator Anselmo	00000	905392	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Carl Petrigno	22187	962688	009 PCT
2. POM Wandy Lopez	18762	958835	007 PCT
3. POM Nikoy Wallace	25344	963319	013 PCT
4. DI Steven Hellman	00000	906437	013 PCT
5. SGT Stuart Wohl	04695	931439	F.T.S.

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers struck an individual with a baton.	
B. Officers	Force: Officers used physical force against an individual.	
C. An officer	Discourtesy: An officer spoke discourteously to an individual.	
D. An officer	Force: An officer struck § 87(2)(b) with a baton	
E. An officer	Force: An officer used physical force against § 87(2)(b)	
F. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
G. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 6, 2020, § 87(2)(b) submitted this complaint via the CCRB website. Other aspects of this incident were investigated in CCRB Cases #202003914, #202004136, #202004403, and #202004771.

On June 2, 2020, § 87(2)(b) participated in a protest of approximately 1,000 people. At approximately 9:45 p.m., the protesters arrived at the intersection of West 14th Street and 5th Avenue in Manhattan and encountered a blockade of officers. As many were being arrested, § 87(2)(b) walked to the intersection of West 9th Street and 5th Avenue. § 87(2)(b) recorded with his cell phone as an unknown officers allegedly stood around a Black female individual, took turns beating her with their batons (**Allegation A: Force:** § 87(2)(g)), and allegedly kicked her (**Allegation B: Force:** § 87(2)(g)). An unknown white female individual fell over a short metal fence, and an unknown officer allegedly called her “fatty” (**Allegation C: Discourtesy:** § 87(2)(g)). Another unknown officer approached § 87(2)(b) and allegedly struck his left hand with a baton (**Allegation D: Force:** § 87(2)(g)). § 87(2)(b)'s phone fell to the ground. The unknown officer allegedly grabbed § 87(2)(b)'s torso and pushed him to the ground (**Allegation E: Force:** § 87(2)(g)), allegedly struck § 87(2)(b)'s phone with his baton causing damage to the phone and interfering with his recording (**Allegations F and G: Abuse of Authority:** § 87(2)(g)), allegedly kicked § 87(2)(b) (**within Allegation E**) and allegedly struck him with a baton five more times (**within Allegation D**). § 87(2)(b) sustained a fracture to his right hand. § 87(2)(b) was held overnight at the Mass Arrest Processing Center in Brooklyn and issued a summons for violating the mayoral curfew. § 87(4-b), § 87(2)(g)

The investigation obtained BWC footage (BR 01-06) of this incident that did not depict the FADO allegations listed above.

Findings and Recommendations

Allegation A – Force: Officers struck § 87(2)(b) with a baton.

Allegation B – Force: Officers used physical force against individuals.

Allegation C – Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation D – Force: An officer struck § 87(2)(b) with a baton.

Allegation E – Force: An officer used physical force against § 87(2)(b)

Allegation F – Abuse of Authority: An officer damaged § 87(2)(b)'s property.

Allegation G – Abuse of Authority: An officer interfered with § 87(2)(b)'s use of a recording device.

Known facts and general descriptions

§ 87(2)(b) went to this protest with a coworker whose name he did not know. He was unable to obtain her name from work and did not have any other means to reach her. Following the incident, he stopped working with her.

The investigation had no evidence to indicate who the unknown victims in this case were. § 87(2)(b) did not know any of the alleged victims. The person who was struck with batons and kicked was approximately 5’2” tall black female, 19 to 22 years old, with an average build, a dark complexion, a short afro, a red top, and shorts. The woman who was pushed over a short fence and called “fatty” was a short white female with a heavyset build and short hair.

§ 87(2)(b) did not obtain any officers’ shield numbers, or any distinct information that would distinguish officers in a large crowd. The recording he made was allegedly destroyed when an

officer struck his phone with a baton. Although he was trying to obtain this recording from Apple cloud services, he stopped responding to attempts to reach him. The Mayoral Curfew was in effect during this incident. A search of Google News and Twitter for media coverage of this incident yielded negative results.

During the New York Office of the Attorney General's Hearing on Interactions between NYPD and the General Public, § 87(2)(b) provided testimony that corroborated § 87(2)(b)'s account of five officers kicking a young black woman, and of § 87(2)(b) being struck in the hand with a baton while he tried to record (BR 07). The investigation attempted to reach § 87(2)(b) via telephone, email, Twitter, and Instagram. He did not respond to any contact attempts and has not contact the investigation since.

While § 87(2)(b) was being transported to the Mass Arrest Processing Center, he spoke to § 87(2)(b) who he believed may have witnessed some parts of this incident. He provided the investigation with her Instagram account information, as he did not have any other way to reach her. The agency contacted § 87(2)(b) multiple times via direct message, but she did not reply.

A search of the Complaint Tracking System (CTS) revealed four additional complaints that occurred at the same, date, time, and general location of this incident. None of the civilians or officers in those cases described the allegations in this case.

BWC and TARU Footage

Three initial requests for BWC footage yielded negative results (BR 08 – 10). The fourth request yielded six videos, none of which captured the allegations in this case.

Cases #202003914, #20204136, and #202004771 contained BWC footage of the protest at West 14th Street and 5th Avenue (BR 11). This footage showed officers from an array of commands, some with identifiable helmet numbers, approaching several hundred civilians. However, the footage did not show officers continue down 5th Avenue to 9th Street, and therefore did not capture the area in which the alleged force and discourtesy was used. Because the footage only captured officers who were not near § 87(2)(b) or the area where he was handcuffed, it did not help to identify potential subject or witness officers.

The investigation received four handheld videos recorded by the Technical Assistance Response Unit (TARU), one of which depicted § 87(2)(b) in the moments immediately following this incident (BR 12). The footage showed a black male officer lifting § 87(2)(b) to the ground and shoving him. Sgt. Wohl was depicted standing nearby. During Sgt. Wohl's interview, he denied participating in any force, and stated that he did not remember the incident or recognize the alleged subject officer. The investigation interviewed Sgt. Purnell Lancaster of ESU because other ESU officers were present in the general vicinity, and Sgt. Lancaster fit the description of the officer depicted in the TARU footage. However, Sgt. Lancaster denied that he was present, or that he participated in any protest enforcement in late-May and Early June 2020. His memo book did not have any entries on the incident date. Without any additional information, there were no means to identify the potential subject officer depicted in the TARU footage.

NYPD Documents Reviewed

Event #20060226701 (BR 13) noted that officers from the 13th Precinct and a unit called 'DETAILPP' arrested 26 individuals at the intersection of West 14th Street and 5th Avenue. There is no additional information to specify who was present.

Event #2020060226741 (BR 14) noted that a group of youths were at the intersection of 14th Street and 5th Avenue. It was closed as a duplicate of Event #20060226701.

A search of the Booking and Arraignment Disposition System (BADS) revealed no arrests relevant to this incident (BR 15).

Concurrent Investigations

IAB confirmed that there are no concurrent investigations regarding this incident (BR 16).

Ranking Officers

The investigation interviewed Deputy Inspector Steven Hellman of the 13th Precinct, believed to be the highest-ranking officer present. He did not observe the allegations in this case.

Officers Interviewed

DI Hellman and PO Nikoy Wallace of the 13th Precinct, Lt. Salvator Anselmo and PO Wandy Lopez of the 7th Precinct, PO Carl Petrigno of the 9th Precinct, Det. Christopher Batos of the Organized Crime Investigation Division, Sgt. Stuart Wohl of the Firearms and Tactical Section, and Sgt. Lancaster of the Emergency Services Unit were all interviewed regarding this indent. All of them denied witnessing the allegations in this case.

Allegation Recitation and Disposition

As stated above, the investigation did not have evidence to indicate who the subject officers in this case were, or who the victims were aside from § 87(2)(b). As per the NYPD Legal Bureau, not all officers who were present activated their body-worn cameras. TARU footage did not capture the incident, and the one subject officer who was depicted was not identifiable. There was no additional evidence to indicate which officers were involved in the allegations § 87(2)(b) described, or who the alleged victims were. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

- This is the first CCRB complaint to which § 87(2)(b) has been a party.

- This complaint was not suitable for mediation.
- As of April 16, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 18).

Investigator: Mac Muir Supervising Investigator Muir 09.21.21
Signature Print Title & Name Date

Squad Leader: IM Jessica Peña 9/21/2021

Signature Print Title & Name Date

Reviewer: _____

Signature	Print Title & Name	Date
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